

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

FILED
U.S. DISTRICT COURT
AUGUST 27, 2010

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UNITED STATES OF AMERICA,)

Plaintiff)

v.)

HOUSING AUTHORITY OF THE)
CITY OF EASTMAN, GEORGIA)

Defendant.)
_____)

CASE NO: CV310 075

COMPLAINT

The United States of America alleges:

1. This action is brought by the United States of America to enforce the provisions of the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*

2. This Court has jurisdiction over this action under 28 U.S.C. §1345 and 42 U.S.C. § 3614(a).

3. Venue is proper in this judicial district under 28 U.S.C. § 1391(b). The events giving rise to this action occurred in this judicial district, and the property that is the subject of this action is situated in this judicial district.

4. Defendant Eastman Housing Authority ("EHA") is a public body corporate and politic created to provide decent, safe and sanitary dwellings to persons of low income in Dodge County, Georgia. Ga. Code § 8-3-1 *et seq.* The EHA owns and maintains nine public housing developments located in the City of Eastman and surrounding areas.

5. The EHA public housing developments are dwellings within the meaning of the Fair Housing Act, 42 U.S.C. § 3602(b).

6. The Defendant has at all times relevant to this Complaint had the authority to control and direct the agents who committed the discriminatory actions stated herein.

7. The Defendant and its agents and/or employees have engaged in a pattern or practice of discrimination based upon race or color in connection with the rental of dwellings in EHA housing developments in violation of the Fair Housing Act by, among other ways:

- (a) steering applicants and residents to housing complexes based on race or color;
- (b) selecting white applicants over eligible black applicants who had higher positions on the EHA's waiting list so that white applicants could be housed in vacant units in majority white complexes;
- (c) selecting black applicants over eligible white applicants who had higher positions on the EHA's waiting list so that white applicants would not be housed in vacant units in majority black complexes;
- (d) providing inferior treatment to black tenants in the terms, conditions, and/or privileges of rental of EHA properties, and/or the provision of services or facilities in connection with rental of EHA properties.

8. The conduct of the Defendant as described in Paragraph 7 constitutes:

- (a) A refusal to rent, a refusal to negotiate for the rental of, and conduct otherwise making unavailable or denying dwellings to persons because of race or color in violation of 42 U.S.C. § 3604(a); and
- (b) Discrimination in the terms, conditions, or privileges of rental of dwellings, and the provision of services or facilities in connection with rental of dwellings, on the basis of race or color in violation of 42 U.S.C. § 3604(b).

9. The conduct of the Defendant, as described herein, was intentional, willful, and taken in disregard for the rights of others.

10. The conduct of the Defendant, as described herein, constitutes:

- (a) A pattern or practice of resistance to the full enjoyment of rights secured by the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*; and
- (b) A denial to a group of persons of rights granted by the Fair Housing Act, 42 U.S.C. § 3601 *et seq.*, which denial raises an issue of general public importance.

11. Individuals who were subjected to the Defendant's discriminatory housing practices are aggrieved persons as defined by the Fair Housing Act, 42 U.S.C. § 3602(i), and have suffered actual injury and damages as a result of the Defendant's conduct as described herein.

WHEREFORE, the United States prays that the Court enter an order that:

A. Declares that the Defendant's policies and practices, as alleged herein, violate the Fair Housing Act, as amended, 42 U.S.C. §§ 3601 *et seq.*;

B. Enjoins the Defendant, its agents, employees and successors, and all other persons in active concert or participation with them, from:

- (1) Discriminating on the basis of race or color against any person in any aspect of the rental of a dwelling; and
- (2) Discriminating on the basis of race or color against any person in the terms, conditions, or privileges, of rental of a dwelling, or in the provision of services or facilities in connection with rental of a dwelling; and

C. Awards monetary damages to each person aggrieved by the Defendant's discriminatory housing practices, pursuant to 42 U.S.C. § 3614(d)(1)(B).

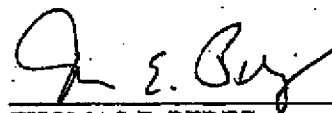
The United States further prays for such additional relief as the interests of justice may require.

Dated ⁷ ~~September 06,~~ 2010

EDWARD J. TARVER
United States Attorney

Respectfully submitted,

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